

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**MIAMI VALLEY FAIR HOUSING, :
CENTER, INC., et al.,**

Plaintiffs,

vs.

**STEINER + ASSOCIATES, INC.,
et al.,**

Defendants.

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Case No. 3:08cv00150

**District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S FIFTH
REPORT AND RECOMMENDATION (Doc. #397) IN ITS ENTIRETY;
GRANTING THIRD PARTY DEFENDANT SULLIVAN BUILDER'S
MOTION FOR JOINDER (Doc. #392); AND DISMISSING THIRD PARTY
DEFENDANT SULLIVAN BUILDERS**

The Court has reviewed *de novo* the Fifth Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #397), to whom this case was originally referred pursuant to 28 U.S.C. §636(b) Noting that no party responded to or opposed Sullivan Builders Inc.'s Motion for Joinder (doc. #392) hereby adopts said Report and Recommendations. Sullivan Builders seeks joinder. Sullivan Builders, Inc. then raises the same arguments for dismissal advanced by the other Third Party Defendants and asks for dismissal of the claim against them.

Since no party responded to or opposed Sullivan Builders, Inc.'s Motion for Joinder and argument for dismissal, no party can be heard to opposed the Fifth Report and Recommendation

that recommends granting joinder and dismissing Sullivan Builders, Inc.

Therefore, Sullivan Builders Motion for Joinder (doc #392) is GRANTED. Third Party Defendant Sullivan Builders, Inc. is DISMISSED.

DONE AND ORDERED in Dayton, Ohio, this Sixteenth Day of September, 2010.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge

Copies furnished to:

Counsel of Record